

REFERENCE TITLE: off-highway vehicle franchises

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1179

Introduced by
Senator Nelson

AN ACT

AMENDING SECTION 28-4308, ARIZONA REVISED STATUTES; RELATING TO VEHICLE DEALERS AND AUTOMOTIVE RECYCLERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-4308, Arizona Revised Statutes, is amended to
3 read:

4 28-4308. Prohibition; applicability; definition

5 A. A manufacturer, distributor, factory branch, distributor branch,
6 motor vehicle dealer or automotive recycler shall not engage in business
7 except in accordance with the requirements of law.

8 B. This chapter does not apply to:

9 1. A public officer engaged in the discharge of the officer's official
10 duties.

11 2. Any trustee, receiver or other officer acting under the
12 jurisdiction of a court.

13 3. A financial institution disposing of a repossessed vehicle.

14 4. A person disposing of the person's personal vehicles.

15 5. A self-service storage facility disposing of a vehicle pursuant to
16 section 33-1704.

17 6. An owner of a classic car, as defined in section 28-2483, or a
18 historic vehicle, as defined in section 28-2484, if both of the following
19 apply:

20 (a) The owner sells the classic car or historic vehicle.

21 (b) The classic car or historic vehicle is titled in the owner's name
22 in this state before December 31, 2005.

23 C. The provisions of this chapter regulating and licensing
24 manufacturers, distributors, factory branches, distributor branches and
25 franchisors only apply to those manufacturers, distributors, factory
26 branches, distributor branches and franchisors of passenger cars, **OFF-HIGHWAY**
27 **VEHICLES**, trucks, buses, motorcycles, trailers and semitrailers.

28 D. Sections of this chapter that:

29 1. Refer to a motor vehicle dealer apply to a new house trailer
30 dealer.

31 2. Refer to a motor vehicle dealer apply to a used house trailer
32 dealer as defined in section 28-4332.

33 E. **FOR THE PURPOSES OF THIS SECTION, "OFF-HIGHWAY VEHICLE":**

34 1. **MEANS ANY SELF-PROPELLED VEHICLE THAT HAS AN UNLADEN WEIGHT OF LESS**
35 **THAN ONE THOUSAND EIGHT HUNDRED POUNDS, THAT IS DESIGNED TO TRAVEL ON WHEELS**
36 **OR TRACKS IN CONTACT WITH THE GROUND, THAT IS DESIGNED PRIMARILY FOR USE OFF**
37 **OF THE PUBLIC HIGHWAYS AND THAT IS GENERALLY AND COMMONLY USED TO TRANSPORT**
38 **PERSONS FOR RECREATIONAL PURPOSES.**

39 2. **DOES NOT INCLUDE:**

40 (a) **VEHICLES DESIGNED AND USED PRIMARILY FOR TRAVEL ON, OVER OR IN THE**
41 **WATER.**

42 (b) **SNOWMOBILES.**

43 (c) **MILITARY VEHICLES.**

44 (d) **GOLF CARTS.**

45 (e) **VEHICLES DESIGNED AND USED TO CARRY DISABLED PERSONS.**

46 (f) **VEHICLES DESIGNED AND USED SPECIFICALLY FOR AGRICULTURAL, LOGGING,**
47 **UTILITY, RAILROAD OR MINING PURPOSES.**